

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. CV 14-847 RT (AJW)

Date: June 17, 2014

Title: Benjamin North v. Linda Persons

PRESENT:

HON. ANDREW J. WISTRICH, MAGISTRATE JUDGE

Ysela Benavides

Deputy Clerk

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None Present

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

Order to Show Cause

Plaintiff paid the filing fee and filed a civil rights complaint pro se on February 28, 2014, and a summons was issued. The complaint alleges that plaintiff, who is confined at Atascadero State Hospital, is a “civilly committed insanity aquittee.” [Complaint 1].

“The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Fed. R. Civ. P. 4(c)(1). If a defendant is not served within 120 days after the complaint is filed, the court “must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Nearly 120 days have elapsed since the complaint was filed, and plaintiff has not filed a proof of service of the summons and complaint. Accordingly, plaintiff shall have to and including **July 17, 2014** in which to file a proof of service of the summons and complaint upon defendant or, alternatively, a declaration under penalty of perjury, with supporting exhibits if needed, establishing good cause for his failure to accomplish timely service of process in accordance with Rule 4.

Plaintiff is cautioned that failure to comply with this order within the time allowed may lead to the dismissal of this action.

IT IS SO ORDERED.

cc: Parties